

proper proportion of the proceeds of the sale of a real estate which should be awarded to a widow in lieu of her dower therein, seems

---

This is the first case ready for decree, that the Chancellor recollects in which it has been left to him to ascertain the proportion, which a widow is entitled to, on account of her dower, of the money arising from the sale of the whole interest in lands of which her husband died seised in fee having a legal title.

Inasmuch as she could not use her third part of the land as a tenant in fee simple might use it, it appears, that when the land is converted into money she cannot be entitled to the full present value of a third part of the annual interest of that money for life. The interest in the land which she parts with is such, that she cannot sell the timber off the land as a tenant in fee might do. The value then of the privilege of selling timber, &c. is to be taken into the account.

Upon the calculation which the Chancellor has made, on the principles adopted in Europe for ascertaining the present value of all interests in land, and on making a reasonable deduction on account of the aforesaid privileges, it appears to him, that the right of dower of a healthy woman, thirty years of age, as the present petitioner is stated and admitted to be, is about three-twentieths of the net sum for which the whole interest in the land has sold or shall sell for.

It is accordingly *Adjudged, Ordered and Decreed*, that the petitioner Ann Cassa-nave, is entitled to and shall receive three parts out of twenty of the net money, arising from the sale of those lands, under the decree of this court, of which her husband appears, from the petition and answer to have had a complete legal title; and it is further *Ordered*, that the auditor of this court state the sum she is entitled to from the said sales, deducting the costs of suit and the trustee's commissions.

---

The statement was made accordingly by the auditor, and the sum thus ascertained ordered to be paid.

---

**GREENWOOD v. CLARKE.**—This petition was filed on the 17th of January, 1801, to have a certain lot of land divided among the parties as the heirs of William Clarke, deceased. The defendants were all infants and non-residents. The petition stated, that the land would not admit of division and prayed a sale. Upon which an order of publication was passed to be inserted in the Baltimore Telegraph warning the defendants to appear, &c. The publication of which order was certified to have been made by the printer of that paper. On the 1st of July, 1801, it was decreed that the lands be sold, &c. Under which a sale was made, reported and absolutely confirmed, no cause having been shewn, &c. Upon which the Chancellor, by way of note said, 'it is suggested, that there is a relict of the deceased, married to another man, who has joined her in a power of attorney to authorize the sale of her interest, and the taking in lieu of her dower such sum as the Chancellor shall think proper, &c. But there is not the least proof of her being Clarke's widow, and entitled to dower. There is another defect of proof. It is material to know the widow's age, because allowances are made according to age. These defects may be supplied.' After which the proofs were exhibited and the case thereupon submitted.

**17th November, 1804.**—**HANSON, Chancellor.**—On the petition of Ann Randall with her husband James Randall, it is *Adjudged and Ordered*, that she, as relict of William Clarke, deceased, of Kent county, whose lands have been sold under a decree of this court, be allowed one-eighth part of the net money arising from the said sale as a compensation for relinquishing her right of dower. Let the auditor of the court state the application of the money, &c.

---